

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 7-21, 24-25, and 32-126 are cancelled. Claims 1-6, 22-23, and 26-31 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-4, 22-23, and 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunn (U.S. Patent No. 6,240,365) in view of Rothert (U.S. Patent No. 7,141,610) and Murakami (U.S. Patent No. 7,181,409). Applicants submit that the claims are patentably distinguishable over the relied on references.

Claims 1, 22, and 26 have each been amended to more clearly show the differences over the relied on art. Support for these changes is found, e.g., at page 20, lines 14-18, and page 33, line 20 to page 34, line 9 of the specification. For example, amended claim 1 calls for:

time measuring means for measuring a driving time associated with the measured distance, the driving time being the time taken to travel the measured distance and being measured only while that movable body apparatus is moving, and

...

fee calculation means for calculating a fee for use of said movable body apparatus, the fee being based on the measured distance and on a time difference between an average driving time required to travel the measured distance and the measured driving time that was measured only while said movable body apparatus was moving[.] (Emphasis added.)

Neither the relied on sections of Bunn, the relied on sections of Rothert, nor the relied on sections of Murakami disclose or suggest calculating a fee for use of a movable body apparatus based on a driving time measured only while a movable body apparatus is moving.

The Office Action acknowledges that "Bunn fails to

disclose *time measuring means...*" (emphasis in the original).

The relied on sections of Rothert describe a data logger that is initialized the first time that a rental vehicle is used. When the rental vehicle is returned, the information provided by the data logger is used to determine rental charges, which may include the number of days that the vehicle is rented. (See col.10 11.30-32 and col.11 11.26-34.) The relied on sections of Rothert are not at all concerned with how much the vehicle is actually used during the rental period and, in fact, are not at all concerned with whether the vehicle is used at all during the rental period. Therefore, the relied on sections of Rothert neither disclose nor suggest a driving time measured only while the rental vehicle is moving, and the relied sections of Rothert neither disclose nor suggest calculating a rental fee based on a time that was measured only while the rental vehicle was moving.

The relied on sections of Murakami, though describing a central facility that receives information relating to a trip time of each vehicle, describes that such information is only used to select a particular vehicle for a user from among a fleet of vehicles. (See col.8 11.10-19.) The relied on section of the reference also describes that user discounts or additional charges are determined according to the difference between the actual return time and a predicted return time, and the predicted return time is based on information entered by the user. (See col.7 11.23-27 and 30-54, and col.7 1.60 - col.8 1.4.) The user discount or additional charge is determined based on the above difference, rather than according to a time that the vehicle is actually moving, to encourage users to return the vehicle as close as possible to the predicted time so that the system can more accurately determine when the vehicle would be available for other users. (See col.7 11.55-60.) Hence, the relied on sections of Murakami do not disclose or

suggest calculating a user fee based on a time that was measured only while the vehicle was moving.

For at least the above reasons, it follows that neither the relied-on sections of Bunn, the relied-on sections of Rothert, nor the relied-on sections of Murakami, whether taken alone or in combination, disclose or suggest the combination defined in claim 1. Therefore, claim 1 is patentably distinct and unobvious over the cited references.

Independent claims 22 and 26 each call for features similar to those set out in the above excerpt of claim 1. Therefore, each of claims 22 and 26 is patentably distinct and unobvious over the relied-on sections of Bunn, Rothert, and Murakami for at least the same reasons.

Claims 2-4 depend from claim 1, claim 23 depends from claim 22, and claims 27-29 depend from claim 26. Therefore, each of claims 2-4, 23, and 27-29 is distinguishable over the cited references for at least the same reasons as the claim from which it depends.

Claims 5-6 and 30-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunn in view of Rothert and Murakami and further in view of the article titled "Rental Car Revelations" (Pittsburgh Post-Gazette, May 14, 2000, pg. 2). Applicants submit that the claims are patentably distinguishable over the relied on references.

Claims 5-6 depend from claim 1, and claims 30-31 depend from claim 26. Therefore, each of the claims is distinguishable over the relied-on sections of Bunn, Rothert, and Murakami for at least the same reasons.

The relied-on sections of "Rental Car Revelations" do not overcome the deficiencies of the relied-on sections of Bunn, Rothert, and Murakami.

Accordingly, Applicant respectfully requests the withdrawal of the Examiner's objection and the withdrawal of the

rejections under 35 U.S.C. §§ 103(a).

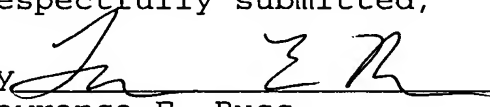
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By



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